

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, September 30, 2013

Those Present: Mr. Dick Zimmerman, Chairman
Mrs. Maggi Hays, Board Member
Mr. Rick Stup, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman Zimmerman.

1. **A.B.L.E. Training** – Ms. Vahle stated the flyers have been mailed for this training session for November 6, 2013, 10AM to 1PM. Sgt. Simmons and Sgt. Rocca will give a presentation for the Frederick City Police and what they expect for compliance checks, zoning ordinance and excessive use of the Police ordinance. The Health Department will fund some of the items to be given out.
2. **Meeting with FCPD** – Ms. Vahle stated she met with Capt. Grossman and Sgt. Simmons of the Frederick City Police Department. Sgt. Simmons will be the point of contact for the Liquor Board. They asked if the Board could put a limit on the hours of operation for the outside areas when renewals are submitted. Mrs. Thall stated they could limit the hours for the outside areas.
3. **Planners Meeting** - Ms. Vahle attended this meeting on September 13, 2013 at the Town of Middletown. She discussed the operation of the Liquor Board.
4. **Alcohol Awareness Training** – Ms. Vahle informed the Board that all passed the Alcohol Awareness Test and are now certified.
5. **Violations** – Ms. Vahle discussed violations with the Board and will send out warning letters and violation letters.
6. Decision Required: Transfer

TRANSFER FROM: Michael Beckley II and Sam Wong
for the use of
175 Thomas Johnson Drive LLC
t/a Beckley's Country Store
7611 A Willow Rd.
Frederick, MD 21702
Class A, Off Sale Beer, Wine & Liquor
Sunday Permit, Wine Tasting

TRANSFER: Michael Beckley II and Sam Wong
for the use of
175 Thomas Johnson Drive Corp.
t/a Beckley's Liquor Store & Motel
7611 A Willow Rd.
Frederick, MD 21702
Class A, Off Sale Beer, Wine & Liquor
Sunday Permit, Wine Tasting

Ms. Vahle swore in the applicants (See attached Sign In Sheet).
The pending items are: Fire Marshal, Bulk Transfer, Bulk Transfer
Affidavit. Mr. Wong and Mr. Beckley have held a license. For the
history, Ms. Vahle stated the license was issued January 20, 2006.
They paid a fine for Late Renewal and a received written warning for
Not Having Regulation Booklet. Mr. Wong stated the Fire Marshal
has inspected and they did not receive the Bulk Transfer letter so a
copy of the letter was given to Mr. Wong. Inspector DeLauter stated
they are compliant.

MOTION: Mr. Stup made a motion for a conditional
approval until October 28, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the
motion.

VOTE: Mr. Stup – Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

7. Decision Required: Transfer

TRANSFER/RELOCATION FROM:

RE: Linda L. Bollinger, John C. Doll
and Marguerite T. Doll for the
use of Gateway Inc.
t/a Gateway Candyland &
Liquors
14802 Franklinville Rd.
Thurmont, MD 21788
Class A, Off Sale, Beer, Wine and Liquor

TRANSFER TO:

RE: Paula A. Gills, John C. Doll
and Marguerite T. Doll for the
use of Gateway Inc.
t/a Gateway Candyland &
Liquors
14802 B Franklinville Rd.
Thurmont, MD 21788
Class A, Off Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Final Occupancy Permit, the final Lease for the new location, and Beer, Wine and Liquor Tasting approval. Mr. and Mrs. Doll have been on the previous license. For the history, Ms. Vahle stated the license was issued January 1992 and there was a fine for Change of Stock without Notification and a Written Warning for No Regulation Booklet. Mrs. Doll will not have an Occupancy Permit until the renovation is finalized and will have to put a "B" on the Lease as the new location. Inspector DeLauter stated they are compliant.

MOTION: Mrs. Hays made a motion for a conditional approval until November 4, 2013.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

MOTION: Mr. Stup made a motion for approval of the Beer, Wine and Liquor Tasting License Application.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

8. Decision Required: Transfer

TRANSFER FROM:

RE: Raymond Bromfield, Carl Gray
and Heasu Gray for the use of
BSC Enterprises Inc.
t/a Jerry's Liquors
8 Petersville Road
Brunswick, MD 21716
Class A, Off Sale, Beer, Wine & Liquor
Sunday Permit

TRANSFER TO:

RE: Wanda Tuttle, Ravinder S.
Bhathal and Manjinder Singh
for the use of Bridge End LLC
t/a Jerry's Liquors
8 Petersville Road
Brunswick, MD 21716
Class A, Off Sale, Beer, Wine & Liquor
Sunday Permit

Ms. Vahle swore in the applicants (See attached Sign In Sheet).
The pending items are: Corrected Retail Sales Tax License, which
was presented. Inspector DeLauter stated they are compliant. Mr.
Bhathal stated he was on a beer license in Virginia so he will have

to amend the application to show that. He did have a violation for Sales to Minors in Virginia.

MOTION: Mr. Stup made a motion for approval.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

9. Decision Required: New

RE: Andrew Gorman and Julianne
Heppner for the use of The
Reunion of Frederick LLC
t/a The Reunion
207 W. Patrick St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Fire Marshal inspection and the Alcohol Awareness and the Inspector's approval. Mr. Gorman has been on the license for Pargos from August 17, 1999 through February 27, 2004 and there were two Sales to Minors violations. He was on the license for Greene Turtle from October 31, 2007 through July 14, 2008 with no violations. Mr. Gorman stated the Fire Marshal inspected. The Inspector will inspect the property before the license is issued.

MOTION: Mr. Stup made a motion for a conditional approval until October 28, 2013.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

10. Decision Required: Violation

RE: Charles D. Jones and Rayann M.
Jones for the use of
New Lohr's Family R & C Inc.
t/a New Lohr's Family R & C Inc.
911 E. Patrick Street
Frederick, MD 21701
Class B, On Sale, Beer and Wine
License Number 11BW 1147
Case # 6561

The Board held a violation hearing for three charges: 1. Failed to pick up the license renewal by April 30, 2013. 2. Failed to have a current Alcohol Awareness person on staff. 3. Failed to appear at a Hearing before the Board scheduled for August 26, 2013. The licensees pled guilty with explanation. Ms. Vahle swore in the licensees. (See Attached Sign In Sheet). Mr. Jones Jr. explained he was unaware he had to renew the Alcohol Awareness and also to pick up the license on time. He stated his father had usually handled everything and has been ill and Mr. Jones Jr. did not follow up. The license was issued November 6, 2008 and prior history shows a warning letter was issued for failing to provide change of address for a licensee.

MOTION ONE: Mr. Stup made a motion for a \$50 fine for the first charge.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

MOTION TWO: Mr. Stup made a motion for a \$100 fine for the second charge.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

MOTION THREE: Mr. Stup made a motion for a \$250 fine and suspend all but \$100.

Mr. Stup amended his motion for a \$250 fine with no part of the fine suspended.

SECOND: Mrs. Hays seconded the motion as amended.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

11. **DBR License and On Site Consumption Permit** – Ms. Vahle stated that the new licenses were advertised in the Frederick News Post September 9 and September 16, 2013 this was a proposal to create a DBR license which would be issued to a Class 5 Manufacturing license or a Brewery. The holder may keep for sale and sell beer brewed at the brewery for on premise consumption to persons that have obtained the legal drinking age and who are not visibly under the influence of alcoholic beverages. The annual

license fee for that will be \$500. After creating the DBR license the Board is required to create an On Site Consumption permit, which allows the consumption of the beer that is brewed on the premises. Mr. Stup disclosed he served with Mr. Bowers on the City of Frederick's Ethics Commission and sees no conflict in this matter. Mr. Savage owner of the Flying Dog stated he had a question for #5- The licensee must obtain approval for any live entertainment by submitting a request to the Board describing the entertainment. He asked if it was a onetime request or a request each time they had entertainment. Ms. Vahle stated he must submit to the Board a request explaining the entertainment in detail and get approval from Zoning. He asked about item #11-A licensee must have at least one person certified by Alcohol Awareness Program. Ms. Vahle stated it is the licensee's responsibility to give the Board copies of all people who are certified for Alcohol Awareness and keep it up to date. #12-Mr. Bowers asked about the age to enter a Class D licensed establishment. Ms. Vahle stated Class DBR is like a tavern license, there is no food required. Most of the counties have a Class D license and will only allow 21 year and older in the establishment. Mr. Bowers stated that there have been requests for school children to visit the brewery to see how beer is brewed for science projects. Ms. Vahle will change the wording to read "only persons under 21 are allowed in the facility during the hours of operation including entertainers or guests of entertainers unless written approval is received by the Board." Mr. Savage had a question on #15-Regarding private party requests which states the Class DBR must be cancelled for the day. Mr. Zimmerman stated you cannot do both at the same time and he could modify the wording to state "the duration of the event."

MOTION: Mr. Stup made a motion to approve the Class DBR as distributed.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup - Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye - 3 Nays - 0**
(Motion Passed)

MOTION: Mr. Stup made a motion to approve the On Site Consumption Permit with the understanding that the clarifications based on the testimony specifically item #11 be amended third sentence to state “it is the responsibility of the licensee to see that the Board receives updated certifications of any certified employees.” #12 to be amended “only persons over 21 are allowed in the facility during the hours of operation including entertainers or guests of entertainers unless written request is received two weeks prior to the event and is approved by the Board.” #15 second sentence be amended to read “the Class DBR must be cancelled for the duration of the event and the regulations for the party would fall under the classified manufacturers license issued by the Comptroller.”

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup - Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

12. Decision Required: approval of the Public Meeting Minutes for August 26, 2013.

MOTION: Mrs. Hays made a motion to approve the Public Meeting Minutes for August 26, 2013.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays - Aye
Mr. Stup - Aye
Mr. Zimmerman - Aye

The vote was unanimous. ***Aye – 3 Nays – 0***
(Motion Passed)

13. **Legislative Packet** – Mr. Stup stated that the if there were any changes that the Board would like the County to include in the BOCC Legislative Packet, that will need to be done soon. Ms. Vahle will follow up.
14. **Future New Part-time Inspector** – Mr. Zimmerman welcomed Bob Schrum to the meeting.

ADJOURN

The meeting was adjourned at 10:10 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees